

AARON D. FORD
Attorney General
CHARLES L. FINLAYSON (Bar No. 13685)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1115
Fax: (775) 684-1108
CFinlayson@ag.nv.gov
Attorney for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFF N. ROSE,

Petitioner,

vs.

ROBERT LeGRAND, *et al.*,

Respondent.

Case No. 3:13-cv-00267-MMD-WGC

**STIPULATION TO ALTER OR AMEND
JUDGMENT**

Respondents and petitioner Jeff N. Rose (“Rose”) stipulate to request this Court modify the deadline for commencement of any retrial until May 24, 2021. This stipulation is based upon the provisions of Rules 59(e) and Rule 60 of the Federal Rules of Civil Procedure, along with all other papers, documents, records, pleadings and other materials on file herein.

POINTS AND AUTHORITIES

This Court denied Rose’s amended petition for a writ of habeas corpus. ECF No. 44. On September 24, 2019, the Ninth Circuit Court of Appeals affirmed in part, reversed in part, and remanded with instructions for this Court to conditionally grant a writ of habeas corpus. ECF No. 48. The Ninth Circuit subsequently granted Respondents’ motion to stay the issuance of the mandate pending the filing of a petition for writ of certiorari in the United States Supreme Court and indicated that the stay would continue until the Supreme Court resolved the petition. ECF No. 51.

On April 9, 2020, the Ninth Circuit Court of Appeals granted Rose’s motion for release pursuant to Federal Rule of Appellate Procedure 23(c) and remanded to this Court for the limited purpose of conducting a bond hearing to determine bond and other appropriate conditions for release. ECF No. 54

1 at 4. This Court conducted the bond hearing and ordered Rose's release in a minute order dated April
2 13, 2020.

3 Respondents later filed a petition for a writ of certiorari. After the United States Supreme Court
4 denied Respondents' petition and the Ninth Circuit issued the mandate, ECF No. 63, this Court entered
5 an order conditionally granting the writ of habeas corpus, ECF No. 65. This Court vacated Rose's
6 judgment of conviction and ordered him to be released from all forms of custody within 30 days, unless
7 the State filed an election to retry Rose within that 30-day period and thereafter commenced jury
8 selection within 120 days. *Id.* at 2. This Court noted that it would grant reasonable requests for
9 modification of the time periods in the judgment upon motion by either party. *Id.*

10 On October 26, 2020, Respondents notified the Court that the State of Nevada intended to retry
11 Rose on or about February 23, 2021. ECF No. 67.

12 Rose remains released subject to the conditions outlined in this Court's minute order.¹ Out of an
13 abundance of caution, Respondents and Petitioner jointly stipulate that this Court modify its order
14 granting the conditional writ of habeas corpus to reflect that any retrial may commence by May 24,
15 2021. The state parties require additional time beyond the 120-day period set by this Court to prepare
16 for a possible retrial. Both Petitioner and Respondents believe a continuance beyond the current time

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28 ¹ Rose is presently under the supervision of the United States Probation Office District of Nevada. The United States Probation Office has agreed to cooperate with Pretrial Services in the Eighth Judicial District Court to ensure an orderly transition to state supervision.

1 period imposed by this Court is appropriate and that this Court's judgment should be amended to reflect
2 such continuance, as necessary. The parties therefore stipulate to amending the judgment to permit
3 retrial of this matter by May 24, 2021.

4 RESPECTFULLY SUBMITTED this 22nd day of February, 2021.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Charles L. Finlayson
8 CHARLES L. FINLAYSON (Bar. No. 13685)
9 Senior Deputy Attorney General

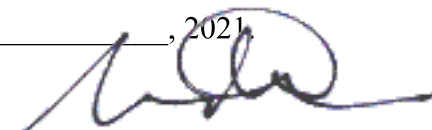
10 RENE L. VALLADARES
11 Federal Public Defender

12 By: /s/ Amelia L. Bizzaro
13 Amelia L. Bizzaro (Bar. No. 1045709)
14 Assistant Federal Public Defenders

15 **ORDER**

16 IT IS SO ORDERED.

17 Dated this 22nd day of February, 2021.



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19 DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 22nd day of February, 2021, I served a copy of the foregoing **STIPULATION TO ALTER OR AMEND JUDGMENT**, by U.S. District Court CM/ECF electronic filing to:

Amelia L. Bizzaro
Assistant Federal Public Defenders
411 East Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101

/s/ Amanda White